

APPEAL, MAG, REMAND

**United States District Court  
District of Massachusetts (Boston)  
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10049-WGY-ALL**

Case title: USA v. Conce

Date Filed: 02/19/2004

Assigned to: Judge William G.  
Young

**Defendant**

**Juan Conce (1)**

*TERMINATED: 11/02/2004*

*also known as*

**King Santos (1)**

*TERMINATED: 11/02/2004*

represented by **Stephen B. Hrones**

Hrones & Garrity

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Boston, MA 02110

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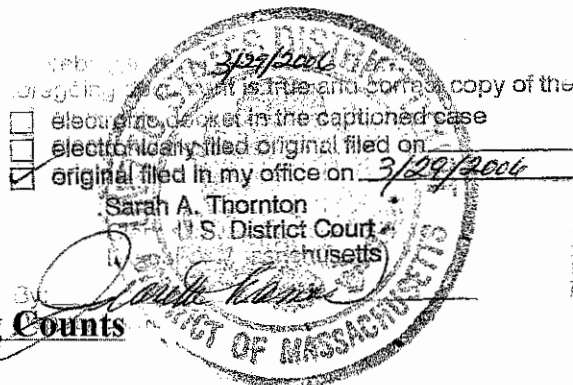
Email:

hrones@masscriminallawyer.com

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: CJA Appointment*



**Pending Counts**

21:846 Conspiracy to distribute  
cocaine base  
(1)

**Disposition**

The defendant is sentenced to 262 month sin the custody of the BOP to be followed by a term of Supervised Release with special conditions of 8 years. No Fine. Special Assessment of . Court recommends the defendant be incarcerated at a facility in southern Florida. Court recommends credit for tiem served from 2/24/04 to the present.

The defendant is sentenced to 262 month sin the custody of the BOP

21:841(a)(1), 18:2 Distribution of  
cocaine base, and aiding and  
abetting  
(2)

to be followed by a term of  
Supervised Release with special  
conditions of 8 years. No Fine.  
Special Assessment of . Court  
recommends the defendant be  
incarcerated at a facility in  
southern Florida. Court  
recommends credit for time  
served from 2/24/04 to the  
present.

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

None

**Disposition**

**Disposition**

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**Plaintiff**

USA

represented by **John A. Wortmann, Jr.**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/19/2004	<u>1</u>	SEALED INDICTMENT as to Juan Conce (1) count(s) 1, 2. (Hurley, Virginia) Additional attachment(s) added on 3/19/2004 (Catino, Theresa). (Entered: 02/20/2004)
02/19/2004	2	MOTION to Seal Case as to Juan Conce by USA. (Hurley, Virginia) (Entered: 02/20/2004)
02/19/2004		Judge Charles B. Swartwood : Electronic ORDER entered granting [2] Motion to Seal Case as to Juan Conce (1) (Hurley, Virginia) (Entered: 02/20/2004)
02/19/2004		Arrest Warrant Issued as to Juan Conce. (Hurley, Virginia) (Entered: 02/20/2004)
02/19/2004	3	Judge William G. Young : ORDER entered ORDER REFERRING CASE to Magistrate Judge Joyce London Alexander Reason for referral: Bail and arraignment only as to Juan Conce (Hurley, Virginia) (Entered: 02/20/2004)
02/19/2004		Attorney update in case as to Juan Conce. Attorney Peter K. Levitt for USA added. (Hurley, Virginia) (Entered: 02/20/2004)
02/24/2004	<u>4</u>	MOTION to Unseal Case as to Juan Conce by USA. (Smith3, Dianne) (Entered: 02/24/2004)
02/24/2004		Judge Joyce London Alexander : Endorsement on motion ORDER entered granting [4] Motion to Unseal Case as to Juan Conce (1) (Smith3, Dianne) (Entered: 02/24/2004)
02/24/2004		Arrest of Juan Conce (Brown, Rex) (Entered: 03/03/2004)

02/24/2004	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Initial Appearance as to Juan Conce held on 2/24/2004. CJA counsel Stephen appeared provisionally. The Court informs the defendant of his rights and the charges. The defendant fills out a financial affidavit and requests counsel. The Court will appoint counsel upon approval of the financial affidavit. The government states the maximum penalty, the basis for detention and requests temporary detention pending the detention hearing. The Court allows the motion. The government files in open Court a motion for consolidation of detention hearing with Luis Rodriguez. The Court allows the motion. Arraignment set for 3/3/2004 10:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. Detention Hearing set for 3/3/2004 10:30 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #Digital Recording.) (Brown, Rex) (Entered: 03/03/2004)
02/24/2004	●6	MOTION to Consolidate for Detention Proceedings and Submission of Detention Affidavits to Juan Conce by USA. (Brown, Rex) Additional attachment(s) added on 3/3/2004 (Brown, Rex). (Entered: 03/03/2004)
02/24/2004	●	Judge Joyce London Alexander : Electronic ORDER entered granting 6 Motion for Detention as to Juan Conce (1) (Brown, Rex) (Entered: 03/03/2004)
02/24/2004	●10	CJA 23 Financial Affidavit by Juan Conce (Brown, Rex) (Entered: 03/15/2004)
02/27/2004	●5	Arrest Warrant Returned Executed on 2/25/04 as to Juan Conce. (Bell, Marie) (Entered: 03/02/2004)
03/03/2004	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Arraignment as to Juan Conce (1) Count 1,2 held on 3/3/2004. The Court informs the defendant of his rights and the charges. The government states the maximum penalty. The defendant pleads not guilty. Defense Counsel files in open court a Notice of automatic disclosure. Detention Hearing as to Juan Conce held on 3/3/2004. The government and defense offer evidence. The government and defense rest. The government and defense offer oral argument. The Court hereby ORDERS the defendant DETAINED pursuant to 18 USC 3142(e). Order to Issue. Upon issuance of detention order, the case will be returned to Chief District



		Judge Young for further scheduling.(Tape #Digital Recording.) (Brown, Rex) (Entered: 03/03/2004)
03/03/2004	<u>7</u>	EXHIBIT/WITNESS LIST as to Juan Conce (Brown, Rex) (Entered: 03/03/2004)
03/03/2004	<u>11</u>	NOTICE re: AUTOMATIC DISCLOSURE by Juan Conce (Brown, Rex) (Entered: 03/15/2004)
03/05/2004	<u>8</u>	Judge Joyce London Alexander : ORDER entered ORDER OF DETENTION as to Juan Conce (Brown, Rex) (Entered: 03/09/2004)
03/05/2004		Case as to Juan Conce no longer referred to Joyce London Alexander. (Brown, Rex) (Entered: 03/10/2004)
03/09/2004	<u>9</u>	Judge Joyce London Alexander : ORDER entered CJA 20 as to Juan Conce : Appointment of Attorney Stephen B. Hrones for Juan Conce. (Brown, Rex) (Entered: 03/09/2004)
03/17/2004	<u>12</u>	Judge William G. Young : ORDER entered SCHEDULING ORDER as to Juan Conce Pretrial Conference set for 4/13/2004 02:00 PM before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 03/17/2004)
03/22/2004	<u>13</u>	NOTICE re automatic disclosure as to Juan Conce (Bell, Marie) (Entered: 03/23/2004)
03/24/2004	<u>14</u>	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Juan Conce (Bell, Marie) (Entered: 03/25/2004)
04/13/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young :INITIAL Pretrial Conference as to Juan Conce held on 4/13/2004 Trial set for 6/21/04 (Court Reporter WOMACK.) (Smith, Bonnie) (Entered: 05/26/2004)
05/10/2004	<u>15</u>	NOTICE OF RESCHEDULING as to Juan Conce FINAL Pretrial Conference set for 5/26/2004 02:00 PM before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 05/10/2004)
05/20/2004	<u>16</u>	Petition for Writ of Habeas Corpus ad testificandum of Robert Andersonas to Juan Conce by USA. (Smith, Bonnie) (Entered: 05/20/2004)
05/20/2004		Judge William G. Young : ELECTRONIC ORDER entered granting <u>16</u> Motion for Writ of Habeas Corpus ad testificandum as to Juan Conce (1) (Smith, Bonnie) (Entered: 05/20/2004)

		05/20/2004)
05/20/2004	17	Writ of Habeas Corpus ad Testificandum Issued as to Robert Anderson for 6/21/04 in case as to Juan Conce (Smith, Bonnie) (Entered: 05/20/2004)
05/20/2004	18	CORRECTED PETITION for Writ of Habeas Corpus ad testificandum for jason Andersonas to Juan Conce by USA. (Smith, Bonnie) (Entered: 05/20/2004)
05/20/2004		Judge William G. Young : ELECTRONIC ORDER entered granting 18 CORRECTED Motion for Writ of Habeas Corpus ad testificandum as to Juan Conce (1) (Smith, Bonnie) (Entered: 05/20/2004)
05/20/2004	19	Writ of Habeas Corpus ad Testificandum Issued as to Jason Anderson for 6/21/04 in case as to Juan Conce (Smith, Bonnie) (Entered: 05/20/2004)
05/26/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young :Pretrial Conference as to Juan Conce held on 5/26/2004 Defense counsel informs the court the defendant wishes to change his plea. Change of Plea Hearing set for 6/17/2004 02:00 PM before Chief Judge William G. Young. (Court Reporter WOMACK.) (Smith, Bonnie) (Entered: 05/26/2004)
06/17/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young :Change of Plea Hearing as to Juan Conce held on 6/17/2004 Dft Sworn. Court conducts plea colloquy with the defendant. After hearing the Court accepts plea of guilty to Count 1,2Procedural Order re: sentencing issued. Sentencing set for 9/21/04 at 2PM. Defendant remanded to custody. (Court Reporter WOMACK.) (Smith, Bonnie) (Entered: 06/18/2004)
06/17/2004	20	Judge William G. Young : ORDER entered PROCEDURAL ORDER re sentencing hearing as to Juan Conce Sentencing set for 9/21/2004 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 06/18/2004)
06/17/2004		Clerk's Notes for proceedings held before Judge William G. Young :Plea entered by Juan Conce (1) Guilty Count 1,2. (Court Reporter Womack.) (Catino2, Theresa) (Entered: 11/17/2004)
09/02/2004	21	Ex Parte MOTION for Authorization of Services or Funds to

		<i>Pay Court Reporter</i> as to Juan Conce. (Hrones, Stephen) (Entered: 09/02/2004)
09/02/2004	<u>22</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Juan Conce (Hrones, Stephen) (Entered: 09/02/2004)
09/09/2004	<u>23</u>	TRANSCRIPT of Proceedings as to Juan Conce held on 6/17/04 before Judge YOUNG. Court Reporter: WOMACK. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Smith, Bonnie) (Entered: 09/09/2004)
09/13/2004		NOTICE OF RESCHEDULING as to Juan Conce Sentencing reset for 10/28/2004 02:00 PM before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 09/13/2004)
09/21/2004		Judge William G. Young : ELECTRONIC ORDER entered granting <u>21</u> Ex Parte Motion for Authorization of Services or Funds as to Juan Conce (1). cc: Stephen Hrones (Bell, Marie) (Entered: 09/21/2004)
10/27/2004	<u>24</u>	SENTENCING MEMORANDUM by USA as to Juan Conce (Smith, Bonnie) (Entered: 10/27/2004)
10/28/2004		ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young :Sentencing held on 10/28/2004 for Juan Conce (1), Count(s) 1, 2, The defendant is sentenced to 262 month sin the custody of the BOP to be followed by a term of Supervised Release with special conditions of 8 years. No Fine. Special Assessment of \$200. Court recommends the defendant be incarcerated at a facility in southern Florida. Court recommends credit for tiem served from 2/24/04 to the present.Defendant is advised of right to appeal. Defendant remanded to custody. (Court Reporter WOMACK.) (Smith, Bonnie) (Entered: 11/01/2004)
11/02/2004	<u>25</u>	Judge William G. Young : ORDER entered JUDGMENT as to Juan Conce (1), Count(s) 1, 2, The defendant is sentenced to 262 months in the custody of the BOP to be followed by a term of Supervised Release with special conditions of 8 years. No Fine. Special Assessment of \$200. Court recommends the defendant be incarcerated at a facility in southern Florida. Court recommends credit for time served from 2/24/04 to the present. (Smith, Bonnie) Modified on 11/17/2004 (Catino2,



		Theresa). (Entered: 11/02/2004)
11/02/2004	<u>26</u>	Judge William G. Young : ORDER entered STATEMENT OF REASONS as to Juan Conce (Attachments: # <u>1</u> transcript# <u>2</u> Blakely statement) (Smith, Bonnie) (Entered: 11/02/2004)
11/03/2004	<u>27</u>	NOTICE OF APPEAL by Juan Conce Reason fee is not required: CJA appointed case NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/23/2004. (Hrones, Stephen) (Entered: 11/03/2004)
11/05/2004	<u>28</u>	Certified and Transmitted Record on Appeal as to Juan Conce to US Court of Appeals re <u>27</u> Notice of Appeal - Final Judgment, (Ramos, Jeanette) (Entered: 11/08/2004)
11/08/2004	<u>29</u>	USCA Case Number as to Juan Conce 04-2516 assigned by First Circuit for <u>27</u> Notice of Appeal - Final Judgment, filed by Juan Conce. (Ramos, Jeanette) (Entered: 11/08/2004)
11/23/2004	<u>30</u>	TRANSCRIPT of Proceedings as to Juan Conce held on 10/28/04 before Judge YOUNG. Court Reporter: WOMACK. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Smith, Bonnie) (Entered: 11/23/2004)
01/12/2005	<u>31</u>	Transmitted Supplemental Record on Appeal as to Juan Conce re <u>27</u> Notice of Appeal - Final Judgment, document numbered 30 (Ramos, Jeanette) (Entered: 01/18/2005)
10/12/2005	<u>32</u>	Transmitted Supplemental Record on Appeal as to Juan Conce re <u>27</u> Notice of Appeal - Final Judgment, Documents included: 25, 26 (Ramos, Jeanette) (Entered: 10/12/2005)
10/18/2005	<u>33</u>	Transmitted Supplemental Record on Appeal as to Juan Conce re <u>27</u> Notice of Appeal - Final Judgment, Documents included: Presentencing Report (Ramos, Jeanette) (Entered: 10/18/2005)
11/18/2005	<u>34</u>	NOTICE OF HEARING as to Juan Conce REsentencing set for THUR. 1/26/2006 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 11/18/2005)



12/02/2005	334	MANDATE of USCA (certified copy) as to Juan Conce re 27 Notice of Appeal - Final Judgment. The defendant and the government agree that remand is necessary for resentencing in light of UNITED STATES v. BOOKER, 125 S.Ct. 738 (2005), decided by the United States Supreme Court whild this appeal was pending. The conviction is AFFIRMED. The sentence is VACATED. The case is REMANDED to the original sentencing judge. (Ramos, Jeanette) (Entered: 12/02/2005)
01/30/2006		NOTICE OF RESCHEDULING as to Juan Conce Sentencing set for 2/23/2006 02:00 PM before Judge William G. Young. (Smith, Bonnie) (Entered: 01/30/2006)
02/17/2006	335	SENTENCING MEMORANDUM by Juan Conce (Tumposky, Michael) (Entered: 02/17/2006)
02/22/2006	336	SENTENCING MEMORANDUM by USA as to Juan Conce (Levitt, Peter) (Entered: 02/22/2006)
02/23/2006		ElectronicClerk's Notes for proceedings held before Judge William G. Young :Sentencing hearing on Remand held on 2/23/2006 for Juan Conce (1), Count(s) 1, 2, After hearing the Court imposes the same sentence as previously imposed. The defendant is sentenced to 262 month sin the custody of the BOP to be followed by a term of Supervised Release with special conditions of 8 years. No Fine. Special Assessment of. Court recommends the defendant be incarcerated at a facility in southern Florida. Court recommends credit for time served from 2/24/04 to the present.. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 02/24/2006)
02/24/2006	337	Judge William G. Young : ORDER entered. AMENDED JUDGMENT as to Juan Conce (1), Count(s) 1, 2, The defendant is sentenced to 262 month sin the custody of the BOP to be followed by a term of Supervised Release with special conditions of 8 years. No Fine. Special Assessment of. Court recommends the defendant be incarcerated at a facility in southern Florida. Court recommends credit for tiem served from 2/24/04 to the present. (Smith, Bonnie) (Entered: 02/24/2006)
02/27/2006	338	Defendant's MOTION to Withdraw and Appoint Counsel as to Juan Conce. (Paine, Matthew) (Entered: 02/28/2006)
02/27/2006	339	AFFIDAVIT in Support of Defendent's Motion 338to Withdraw and to Appoint Counsel as to Juan Conce. (Paine, Matthew)

		(Entered: 02/28/2006)
03/01/2006	40	NOTICE OF APPEAL by Juan Conce Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/21/2006. (Hrones, Stephen) (Entered: 03/01/2006)